

1 MELINDA HAAG (CABN 132612)
United States Attorney

2 MIRANDA KANE (CABN 150630)
3 Chief, Criminal Division

4 ALLISON MARSTON DANNER (CABN 195046)
Assistant United States Attorney
5 150 Almaden Boulevard, Suite 900
San Jose, CA 95113
6 Telephone: (408) 535-0910
Fax: (408) 535-5066
7 E-Mail: allison.danner@usdoj.gov

8 Attorneys for the United States

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

12 UNITED STATES OF AMERICA,)

13 Plaintiff,)

14 v.)

15 JESUS OROZCO,)

16 Defendant.)

No. CR 12-00268 LHK (HRL)

STIPULATION AND ~~PROPOSED~~
ORDER EXCLUDING TIME FROM
SPEEDY TRIAL ACT CALCULATION
(18 U.S.C. § 3161(h)(7)(A))

17
18 With the agreement of the parties in open court, and with the consent of defendant Jesus
19 Orozco, the Court enters this order documenting exclusion of time from April 26, 2012, through
20 June 6, 2012, under the Speedy Trial Act, 18 U.S.C. § 3161(c)(1). The parties agree, and the
21 Court finds and holds, as follows:

22 1. Defendant was indicted on April 18, 2012. On April 24, 2012, defendant made
23 his first appearance before this Court. At that time, the government moved for detention of Mr.
24 Orozco. On April 26, 2012, undersigned defense counsel appeared for Mr. Orozco; Mr. Orozco
25 entered a not guilty plea and was released on an unsecured bond.

26 2. At the appearance on April 26, 2012, this Court set June 6, 2012, as the date for
27 the initial appearance before the District Court in this matter. Discovery has not yet been

28 STA Stipulation
12-00268 LHK

FILED

MAY 10 2012

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

1 provided to the defense; the government anticipates providing discovery before the June 6, 2012,
2 appearance.

3 3. At the appearance on April 26, 2012, defendant agreed to an exclusion of time
4 under the Speedy Trial Act. Failure to grant the requested continuance would unreasonably deny
5 defendant reasonable time necessary for effective preparation, taking into account the exercise of
6 due diligence, in this case. At the April 26, 2012, appearance, the Court found that the ends of
7 justice served by excluding the period from April 26, 2012, through June 6, 2012, from Speedy
8 Trial Act calculations outweigh the best interest of the public and the defendant in a speedy
9 trial. 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

10 4. Accordingly, and with the consent of the defendant at the appearance on April 26,
11 2012, the Court ordered that the period from April 26, 2012, through June 6, 2012, be excluded
12 from Speedy Trial Act calculations. *Id.*

13
14 IT IS SO STIPULATED.

15
16 DATED: May 3, 2012

17 /s/
RENEE YVONNE GARDNER
Attorney for Defendant

18
19 DATED: May 3, 2012

20 /s/
ALLISON MARSTON DANNER
Assistant United States Attorney

21
22 IT IS SO ORDERED.

23
24 DATED: 5/10/12

25 
HOWARD R. LLOYD
United States Magistrate Judge